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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/660,049	09/12/2000	Steven John Romme	659/704	5830

757 7590 08/13/2003

BRINKS HOFER GILSON & LIONE  
P.O. BOX 10395  
CHICAGO, IL 60611

EXAMINER

DURAND, PAUL R

ART UNIT	PAPER NUMBER
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3721

DATE MAILED: 08/13/2003

19

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/660,049

Applicant(s)

ROMME ET AL.

Examiner

Paul Durand

Art Unit

3721

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) 1-3, 9-20, 27, 31 and 35-49 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 4-8, 21-26, 28-30 and 32-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 03 June 2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 4-8, 21-26, 28-30, and 32-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bonk (US 4,101,026) in view of Ulmann et al (US 6,257,410) and in further view of Warren (US 2,776,051).

In regard to claims 4, 5, 21, 24, 28, 29, 30, 32 and 34, Bonk discloses the invention substantially as claimed including a manufactured container 37, having four sides, a bottom, asymmetric by protrusion 23, 52, 53 and 57, having a lip 53, notch 35, and a roll of moistened wipes 5 that may be coreless (see 1-7 and C4, L47-52). What Bonk does not disclose is the placement instructions. However, Ulmann teaches that it is old and well known to place instructions or other types of indicia 24, on the ends of a roll 12 of moistened wipes for the purpose of instructing the user of the product (see fig. 2 and C5, L53-64). Furthermore, Warren teaches that it is old and well known in the art of dispensing to provide an article to be dispensed with an article to be dispensed with an asymmetric raised area 28 that fits into slot 15 of dispenser 10 for the purpose of increasing ease of use (see Figs. 1 and 3). Therefore, it would have been obvious to one having ordinary skill in the art to have modified the invention of Bonk by providing indicia in the form of instructions on a container as taught by Ulmann and by providing

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the asymmetrical dispenser as taught by Warren for the purpose of increasing ease of use.

Furthermore, in regard to the limitation of the dispenser having a cover, while Bonk does not disclose a dispenser having a cover, the examiner takes Official Notice that it is old and well known in the art of dispensing to provide a cover on a dispenser for the purpose of protecting the contents being dispensed. Therefore, it would have been obvious to one having ordinary skill in the art to have provided the invention of Bonk with a covered dispenser for the purpose of protecting dispensed contents.

In regard to claim 6, Bonk discloses the invention as claimed including protrusion 23 keyed to fit into holder/dispenser 22 (see fig.6).

In regard to claims 22,23,25 and 26, Bonk discloses the invention substantially as claimed except for the optimum value for the diameter of the roll of wet wipes. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a roll of wet wipes having an optimum diameter, since it has been held that discovering an optimum value of a result effective value involves only routine skill in the art. In re Boesch, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

In regard to claims 7 and 8, Bonk discloses the invention substantially as claimed except for the specific packaging. However, the examiner takes Official Notice that it is old and well known in the art of packaging to provide a plurality of object in a single package or container for the purpose of increasing manufacturing efficiency. Therefore, it would have been obvious to one having ordinary skill in the art to have modified the

invention of Bonk by incorporating multiple containers in a single package for the purpose of increasing manufacturing efficiency.

***Response to Arguments***

3. Applicant's arguments with respect to claim 4-8,21-26,28-30 and 32-34 have been considered but are moot in view of the new ground(s) of rejection.


***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Durand whose telephone number is 703-305-4962. The examiner can normally be reached on 0730-1800, Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I Rada can be reached on 703-308-2187. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

Paul Durand  
August 6, 2003

  
Rinaldi I. Rada  
Supervisory Patent Examiner  
Group 3700